

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

LUCY MCEUEN

PLAINTIFF

V.

CIVIL ACTION NO. 3:22-CV-663-DPJ-FKB

MS METHODIST REHABILITATION CENTER

DEFENDANT

ORDER

Plaintiff filed this suit on November 14, 2022, and on December 15, 2022, the Court denied her motion to proceed in forma pauperis. Order [4]. In that Order [4], the Court directed Plaintiff to “pay all costs associated with the filing of this lawsuit on or before February 21, 2023,” and noted that “[i]f she fails to do so, this case will be dismissed without prejudice with no further notice.” Plaintiff’s time to pay the filing fee expired on February 21, 2023, and to date, she has failed to make any payments.

This Court has discretion to dismiss a case for want of prosecution for failure to comply with its orders. *Link v. Wabash R. Co.*, 370 U.S. 626, 629–30 (1962); *Larson v. Scott*, 157 F.3d 1030, 1032 (5th Cir. 1998). This “inherent power” is “governed . . . by the control necessarily vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases.” *Link*, 370 U.S. at 629–30. Such dismissals are sometimes “necessary in order to prevent undue delays in the disposition of pending cases and to avoid congestion in the calendars” of the Court. *Id.* at 629.

The Court warned Plaintiff that her case would be dismissed upon failure to pay the filing fee, yet she did not do as ordered. The case is therefore dismissed without prejudice for failure to prosecute.

IT IS, THEREFORE, ORDERED that this case is dismissed without prejudice.

SO ORDERED AND ADJUDGED this the 12th day of July, 2023.

s/ Daniel P. Jordan III
CHIEF UNITED STATES DISTRICT JUDGE